FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.173 OF 2006

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.Shirish Gupte,Sr. Advocate with Mr. Rajendra Shirodkar i/by Jay and Co. for the Applicants.

Mr. Anoop Pandey for the Respondent No.1.

Mr.U.V. Nikam, APP. for the State.

CORAM : R.S. MOHITE,J.
DATED : 13/4/2006.

P.C.

1. This revision application impugns an order passed by the Additional Sessions Judge, Greater Bombay setting aside an order dated 20.2.2006 passed by the Trial Court being Special Metropolitan Magistrate, 25th Court, Small Causes, Mumbai. It appears that in a trial for offence under Section 138 of the Negotiable Instruments Act after evidence of the complainant was over, on behalf of the accused, present

applicant No.2 entered into the witness box and filed an affidavit by way of examination in chief. Along with the affidavit, the applicant No.2 enclosed zerox copies of several documents and they were marked "X" for identification. While the cross examination was in progress, the applicant No.2 made an application for producing the originals and an additional set of notarised zerox copies of the said documents. The originals were sought to be taken back after verification because the same were required in a suit pending before this court. The Trial Court allowed the said application on the footing that the accused was ready to give originals for inspection to the other side and for cross examination which was still in progress and therefore, no prejudice will be caused to the complainant. Thus the production of documents was allowed. The matter was carried in revision by the original complainant. The Sessions Court

allowed the revision and set aside the order passed by the Trial Court while giving liberty to the petitioner No.2 to produce the documents as per the provisions of law and directed the trial court to allow the applicant No.2 to file his documents if the law permits. In my view, the view taken by the Sessions Court is correct as the original documents have not been proved through evidence. However, it is made clear that the accused would be at liberty to get these documents proved in accordance with law through the evidence of any other persons capable of proving these documents. With these observations, revision application stands disposed off.

(R. S. MOHITE, J.)

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